IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

TUESDAY, THE 3RD JULY 2007 / 12TH ASHADHA 1929

WP(C).No. 10200 of 2005(L)

PETITIONERS:

1. REGIMON K.MATHEW, S/O. MATHEW,
AGED 35 YEARS, KADOOKKUNNEL HOUSE, MUTHOLY P.O.,
KOTTAYAM DISTRICT, PRESENTLY WORKING AS HIGHER
SECONDARY SCHOOL TEACHER, HOLY CROSS HIGHER
SECONDARY SCHOOL, CHERPUNKAL.

2. ANTO GEORGE, S/O. VARKEY,
PRESENTLY WORKING AS HIGHER SECONDARY SCHOOL
TEACHER, ST.JOHNS NHSS, KOZHUVANAL,KOTTAYAM DIST.

3. BIJU JOSEPH, S/O. V.J.JOSEPH,
PRESENTLY WORKING AS HIGHER SECONDARY SCHOOL
TEACHER, EMMANUEL HIGHER SECONDARY SCHOOL,
KOTHANALLOOR, KOTTAYAM DISTRICT.

4. JOHN MATHEW, S/O. V.M.JOHN,
PRESENTLY WORKING AS HIGHER SECONDARY SCHOOL
TEACHER, M.D. SEMINARY HIGHER SECONDARY SCHOOL,
KOTTAYAM DISTRICT.

5. MATHEWKUTTY JOSEPH, S/O. JOSEPH,
PRESENTLY WORKING AS HIGHER SECONDARY SCHOOL
TEACHER, ST.THOMAS HIGHER SECONDARY SCHOOL, PALA,
KOTTAYAM DISTRICT.

6. MATHEW M.KURIAKOSE, S/O. KURIAKOSE,
PRESENTLY WORKING AS HIGHER SECONDARY SCHOOL
TEACHER, HOLY CROSS HIGHER SECONDARY SCHOOL,
CHERPUNKAL, KOTTAYAM DISTRICT.

7. SHAJU S.PALEETHOTTAM,
S/O. P.J.SCARIA PALEETHOTTAM, PRESENTLY WORKING AS
HIGHER SECONDARY SCHOOL TEACHER, ST.ANTONY'S
HIGHER SECONDARY SCHOOL, POONJAR, POONJAR SOUTH,
KOTTAYAM DISTRICT.

BY ADV. SRI.ROY THOMAS
SRI.N.M.VARGHESE

RESPONDENTS:

1. STATE OF KERALA,
REPRESENTED BY THE PRINCIPAL SECRETARY,
HIGHER EDUCATION DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE DIRECTOR OF HIGHER SECONDARY
EDUCATION, HOUSING BOARD BUILDINGS, SANTHI NAGAR,
THIRUVANANTHAPURAM.

3. THE SECRETARY TO GOVERNMENT,
GENERAL EDUCATION DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI.V.T.K.MOHANAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 03/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 10200 of 2005(L)

APPENDIX

PETITIONER'S EXHIBITS:

Ext.P1: A photocopy of G.O.(MS)No.30/96/H.Edn. Dated 12.2.1996 issued by the 1st respondent.

Ext.P2: A photocopy of the Government Oder No.C2-2011/1998 dated 27.5.1998 with accompanying statement pertaining to the appointment of the 1st and 2nd petitioners with effect from 3.6.1996 and 5.6.1996 respectively.

Ext.P3: A photocopy of statement accompanied to the order No.C2-1410/2000 dated 23.3.2000 of the Deputy Director of Collegiate Education pertaining to the appointment of the 3rd petitioner.

Ext.P4: A photocopy of statement accompanied to the order No.B2-2453/98 of the Deputy Director of Collegiate Education dated 6.8.1998 pertaining to the appointment of the 4th petitioner as Junior Lecturer in K.G.College, Pampady.

Ext.P5: A photocopy of the statement accompanied to the order No.C2-2015/1998 of the Deputy Director of Collegiate Education pertaining to the appointment of the 5th petitioner as Junior Lecturer in St. Thomas College, Pala w.e.f. 3/6/96.

Ext.P6: A photocopy of appointment No.488/98/HSE dated 15.9.98 is issued by the Corporate Manager of the Educational Agency, Diocese of Palai pertaining to the appointment of the 6th petitioner in the present post.

Ext.P7: A photocopy of statement accompanied to the order No.B6-221/98 dated 12.3.1998 issued by the Deputy Director of Collegiate Education pertaining to the appointment of the 7th petitioner as Junior Lecturer in St.Joseph's College, Moolamattom w.e.f.9/9/96.

Ext.P8: A photocopy of the G.O.(MS)No.171/97/H.Edn. Dated 8/12/1997 issued by the 1st respondent.

Ext.P9: A photocopy of the G.O.(MS)No.341/98/G.Edn. Dated 28.8.1998 issued by the 1st respondent.

Ext.P10: A photocopy of the Government Order G.O.(MS) No.344/98/G.Edn. Dated 29/8/1998.

Ext.P11: A photocopy of the G.O.Rt.No.3268/98/G.Edn. Dated 20/8/98.

Ext.P12: A photocopy of the G.O.(MS)No.351/2004/G.Edn. Dated 20/11/2004 issued by the 1st respondent.

Ext.P13: A photocopy of circular No.Acd.B1/14498/HSE/2000 dated 15.7.2001 issued by the Director of Higher Secondary Education.

Ext.P14: A photocopy of the minutes of the meeting held on 12.6.2000 on the chairship of the 1st respondent.

Ext.P15: A photocopy of official format for collecting details of regular teachers working in the Higher Secondary Schools for affording examination duty.

Ext.P16: A photocopy of communication No.16065/T3/2004/ G.Edn. Dated 11.10.2004 issued by the 3rd respondent.

Ext.P17: A photocopy of official proforma on Aided School Staff Details issued by the 2nd respondent amongst the Aided Schools in the state.

Ext.P18: A photocopy of order No.DP(T)/2052/98 dated 4.12.98 of the Manager of the Malankara Orthodox Church Colleges regarding the declaration of probation of the 4th petitioner.

Ext.P19: A photocopy of Government Circulars No.Estt.D4.30238/98/Coll. Edn. Dated 17.7.98.

Ext.P20: A photocopy of Government Order No.(MS) No.341/98/G.Edn. Dated 28.8.98.

Ext.P21: A photocopy of the latest representation submitted by the petitioners before the 1st and 3rd respondents dated 6.1.2005.

// True copy //

P.A.to judge

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A.K.BASHEER, J.

W.P.(C)No.10200 OF 2005

Dated this the 3rd day of July, 2007

JUDGMENT

Petitioners are now working as Higher Secondary School teachers. Admittedly, they were working as Junior Lecturers in colleges under different managements. After bifurcation of Pre-degree from colleges, petitioners had to be accommodated in the Higher Secondary Education Department. Thus they were deployed as Higher Secondary School teachers and they are even now continuing as such. At the time, when this writ petition was filed, the grievance of the petitioners was that they were not given service benefits which they would have got under normal circumstances.

2. I do not propose to go into the details of the issue since in the counter affidavit filed by respondent no.2, it is stated that the petitioners have been given several of the benefits which they have been clamoring for. However, it is admitted by respondent no.2 that for grant the remaining benefits appropriate sanction has to be obtained from the Government. It is stated that as and when orders are received from the Government, such benefit will also be given to the petitioners.

3. Learned counsel submits that petitioners will be satisfied, if respondent no.1 is directed to take an expeditious decision on Ext.P21 representation in which petitioners have highlighted all the relevant aspects of the issue. Learned Government Pleader submits that appropriate decision on Ext.P21 will be taken, if it has been preferred as contended by the petitioners.

In the above facts and circumstances, writ petition is disposed of with a direction to respondent no.1 to consider and pass orders on Ext.P21 strictly on its merit and in accordance with law as expeditiously as possible, at any rate, within four months from the date of receipt of a copy of this judgment. Needless to mention that an authorised representative of the petitioners shall be afforded sufficient opportunity to be heard before any decision is taken in the matter. Petitioners shall produce copies of the writ petition and counter affidavit along with a certified copy of the judgment before respondent no.1 for compliance.

A.K.BASHEER, JUDGE

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